



THE CITY OF NEW YORK
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March 30, 2023

VIA ECF and Email: Failla NYSDChambers@nysd.uscourts.gov

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *Andrew Mason v. City of New York et al.*, 23-CV-00029 (KPF)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and attorney for the City of New York (“City”) in the above referenced matter. I write to respectfully request that the Court grant the City of New York an enlargement of time from March 31, 2023 to April 14, 2023¹ to answer or otherwise respond to the complaint. This is the City’s second request for an enlargement of time to respond to the complaint and plaintiff counsel, Joshua Moskovitz, consents to this request.

By way of background, plaintiff brings this action, pursuant to 42 U.S.C. §1983, against defendants City of New York, Vincent N. Schiraldi, Kenneth Stukes, and a number of John and/or Jane Does. Plaintiff alleges, *inter alia*, that on October 5, 2021, while incarcerated on Rikers Island, he was subjected to an inmate on inmate assault, which resulted in serious physical injuries, including bilateral jaw fractures and permanent nerve damage. Additionally, plaintiff purports to bring a *Monell* claim against the City of New York and pendent state law claims.

As to the procedural history, on January 3, 2023 the complaint was filed and an electronic summons was executed for the City on January 9, 2023. *ECF Nos. 1, 6*. On February 6, 2023, the City requested an extension of time until March 31, 2023 to answer or otherwise respond to the complaint, which was granted. *ECF Nos. 12, 13*. Upon information and belief, on March 24, 2023,

¹ If Your Honor is inclined to grant this request, the City of New York’s response to the Complaint would be filed at the same time as defendants Vincent N. Schiraldi and Kenneth Stukes’s responses.

defendants Vincent N. Schiraldi and Kenneth Stukes were served with the complaint, making their responses due April 14, 2023. Accordingly, with the hope that one responsive pleading can be submitted on behalf of all defendants, defendant City respectfully requests an extension of time until April 14, 2023 to respond to the complaint.

Thank you for your consideration of the instant application.

Respectfully submitted,

Thomas Lai s/

Thomas Lai
Senior Counsel
Special Federal Litigation Division

To: **VIA ECF**
Joshua Samuel Moskovitz
Jason Louis Leventhal
Attorneys for Plaintiff

Application GRANTED.

The Clerk of Court is directed to terminate the pending motion at docket number 16.

Dated: March 30, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE